

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BOBBY JEROME MILLER,

Defendant-Appellant.

UNPUBLISHED

May 22, 2003

No. 237887

Kent Circuit Court

LC No. 00-010752-FH

Before: Whitbeck, C.J., and White and Donofrio, JJ.

MEMORANDUM.

Defendant appeals as of right his jury conviction for larceny in a building. MCL 750.360. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant asserts that there is insufficient evidence to support his conviction. In determining whether sufficient evidence has been presented to sustain a conviction, a reviewing court must view the evidence in a light most favorable to the prosecution, and determine whether any rational finder of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), modified on other grounds, 441 Mich 1201 (1992). The standard of review is deferential: a reviewing court is required to draw all reasonable inferences and make credibility choices in support of the jury verdict. *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000).

The evidence against defendant is overwhelming. While others may have had the opportunity to take the money, a witness testified that defendant was near the money drawer, and had bulging pockets when he left the building. The witness saw defendant return and take a money bag. Defendant told the witness how he took the money, and asked the witness to count it. Viewed in a light most favorable to the prosecution, the evidence establishes defendant's guilt beyond a reasonable doubt.

Defendant also asserts that the trial court erred in denying him credit for time served. Defendant was on parole at the time he committed his offense, and his sentence was consecutive to his prior sentence. A defendant who has received a consecutive sentence is not entitled to credit against the subsequent sentence for time served. Any credit is applied against the first sentence. *People v Watts*, 186 Mich App 686; 464 NW2d 715 (1991).

Affirmed.

/s/ William C. Whitbeck

/s/ Helene N. White

/s/ Pat M. Donofrio